

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:06CR10

UNITED STATES OF AMERICA

VS.

MICHAEL LEE DRAKE

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ORDER

THIS MATTER is before the Court on remand from the Fourth Circuit Court of Appeals directing the Court to hold a hearing for the limited purpose of determining whether or not there exists a conflict of interest between the Defendant and his appellate attorney, H. Monroe Whitesides, Jr. **See Order, filed February 22, 2008.**

IT IS, THEREFORE, ORDERED that this matter is hereby scheduled for hearing as directed by the Fourth Circuit on **FRIDAY, SEPTEMBER 5, 2008, AT 10:00 AM**, at the U.S. Courthouse, Third Floor Courtroom, in Asheville, North Carolina.

The Clerk is directed to transmit this Order electronically to Mr. Whitesides, and to the United States Attorney, United States Marshal,

United States Probation Office, and to the Warden of the correctional facility where the Defendant is currently housed. A copy of the Order shall be mailed to the Defendant.

Signed: July 30, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

